



OFFICE OF
INSURANCE COMMISSIONER

5988 03/23/06

\$7,400.00 ✓

In the Matter of:

No. D06-149

FIDELITY NATIONAL
INSURANCE COMPANY,

CONSENT ORDER
IMPOSING A FINE

An Authorized Insurer.

Findings of Fact:

1. Fidelity National Insurance Company ("Fidelity National") is a foreign insurer authorized to conduct insurance business in Washington State. It issues property, casualty, and vehicle insurance.
2. On February 25, 2005, Fidelity National made an electronic filing to the Office of the Insurance Commissioner ("OIC"). The filing contained a Supplemental Compensation Exhibit ("SCE") but did not contain the 2004 annual statement or any other required documents. An SCE is not a required document for a foreign insurer. The OIC Annual Statement Processing System automatically sent an email to Fidelity National at 12:32 PM the same day, listing in the accepted documents section only the SCE.
3. Fidelity National filed its 2004 April supplemental filing on April 19, 2005, 18 days late.
4. On April 25, 2005, Fidelity National successfully submitted its annual report, 56 days late.
5. RCW 48.05.250 requires that insurers submit an annual statement of the preceding year to the OIC before the first day of March of the following year. April supplemental filings are due on the first day of April of the following year. The statute permits the Commissioner to revoke or suspend the insurer's certificate of authority for failure to so submit.
6. RCW 48.05.185 permits the Commissioner to levy a fine in addition to or in lieu of revocation or suspension of an insurer's certificate of authority.

7. Fidelity National failed to timely file its 2004 annual statement and 2004 April supplemental filing with the OIC.

Conclusion of Law:

Fidelity National's failure to timely file its 2004 annual statement and 2004 April supplemental filing with the OIC constitutes two violations of RCW 48.05.250.

Consent to Order:

Fidelity National consents to the following, in order to resolve this matter without further administrative or judicial proceedings and the Insurance Commissioner consents to resolve this matter in consideration of the insurer's payment of a fine as set forth below.

1. Fidelity National consents to entry of the foregoing Findings of Fact and Conclusions of Law, and acknowledges its duty to comply fully with the applicable laws of the State of Washington, and waive further administrative or legal challenge to the actions taken, or to be taken, by the Insurance Commissioner related to the subject matter of this order.
2. Within thirty days of entry of this Order, Fidelity National will pay to the OIC a fine in the amount of \$7,400 (seven thousand four hundred dollars).
3. If the fine is not timely paid in full, this will constitute grounds for the suspension or revocation of the certificate of authority held by Fidelity National in the State of Washington. It will also result in a civil action being filed by the Attorney General on behalf of the Insurance Commissioner, to recover the amount of the fine.

Executed this 21 day of MARCH, 2006.

FIDELITY NATIONAL INSURANCE COMPANY

By: 

Printed Name: John M. Giorganni

Printed Corporate Title: VP- ACCOUNTING

Order:

Pursuant to the foregoing Findings of Fact, Conclusions of Law, and Consent to Order, the Insurance Commissioner orders as follows:

1. Fidelity National Insurance Company is ordered to pay, within thirty days of the entry of this Order, a fine in the amount of \$7,400 (seven thousand four hundred dollars).

2. Failure to timely pay the fine shall constitute grounds for suspension or revocation of the certificate of authority held by Fidelity National Insurance Company in Washington State. It will also result in a civil action being brought by the Attorney General on behalf of the Insurance Commissioner, to collect the fine.

Executed this 27th day of March, 2006

MIKE KREIDLER
Insurance Commissioner

By: Marcia G. Stickler
Marcia G. Stickler
Legal Affairs Division